

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK YOUNGERS, KIMBALL LLOYD, FRANCES
BRIGGS, JOSEPH D. MITCHELL, BRENDAN
HOFFMAN, AND ALFRED TOLLI, Individually and
on Behalf of All Others Similarly Situated,

Plaintiffs,

– against –

VIRTUS INVESTMENT PARTNERS, INC., VIRTUS
INVESTMENT ADVISERS, INC., F-SQUARED
INVESTMENTS, INC., F-SQUARED ALTERNATIVE
ADVISORS, LLC, F-SQUARED INSTITUTIONAL
ADVISORS, LLC, F-SQUARED INVESTMENT
MANAGEMENT, LLC, EUCLID ADVISORS, LLC,
VP DISTRIBUTORS, LLC, GEORGE R. AYLWAYD,
MICHAEL A. ANGERTHAL, W. PATRICK
BRADLEY, LEROY KEITH, JR., PHILIP R.
MCLOUGLIN, GERALDINE M. MCNAMARA,
JAMES M. OATES, RICHARD E. SEGERSON,
FERDINAND L.J. VERDONCK, FRANCIS G.
WALTMAN, MARK S. FLYNN, HOWARD
PRESENT, AMY ROBINSON

Defendants.

– and –

VIRTUS OPPORTUNITIES TRUST,

Nominal Defendant.

No. 1:15-CV-08262 (WHP)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Its Motion to Dismiss Plaintiffs' Second Amended Class Action Complaint, dated April 22, 2016, the accompanying Declaration of Aric H. Wu and annexed exhibits, and all prior papers and proceedings had herein, F2 Liquidating Trust, through its undersigned attorneys, will

move this Court, before the Honorable William H. Pauley, III, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an Order dismissing with prejudice the claims asserted against Defendants F-Squared Investments, Inc., F Squared Alternative Investments, LLC, F-Squared Institutional Advisors, LLC, and F-Squared Investment Management, LLC (collectively, the “F-Squared Defendants”) in Plaintiffs’ Second Amended Class Action Complaint and granting such other and further relief as the Court deems appropriate.¹ Pursuant to Federal Rule of Civil Procedure 12(b)(6), F2 Liquidating Trust moves to dismiss for failure to state a claim and failure to satisfy the pleading requirements of Federal Rule of Civil Procedure 9(b) and the Private Securities Litigation Reform Act of 1995, as amended.

PLEASE TAKE FURTHER NOTICE that, pursuant to an Order of the Court made at the hearing held on April 8, 2016, opposition papers must be served and filed on or before May 2, 2016, and reply papers must be served and filed on or before May 9, 2016.

Dated: New York, New York
April 22, 2016

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

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Attorneys for F2 Liquidating Trust

¹ The F-Squared Defendants have either been dissolved or are in the process of being dissolved, and all of the assets and liabilities of the F-Squared Defendants and their estates have been transferred to F2 Liquidating Trust.